GOVERNMENT OF INDIA
SHIPPING
LOK SABHA

UNSTARRED QUESTION NO:4866
ANSWERED ON:26.04.2010
ENCROACHMENT OF MAJOR PORTS LAND
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Will the Minister of SHIPPING be pleased to state:

(a) whether in view of globalisation in new emerging scenarios the Government proposes to reconsider its Land Policy Guidelines, 2004;

(b) if so, whether any committee had been constituted in this regard;

(c) if so, the details and its recommendations thereof;

(d) whether there is any instances of the encroachment of land of major ports in the country;

(e) if so, the details thereof, port-wise; and

(f) the steps taken by the Government to evict the encroached land alongwith the action taken against the guilty persons?

Answer

MINISTER OF SHIPPING (SHRI G.K. VASAN)

(a) to (c): Yes, Madam. Committee under the chairmanship of AS&FA, Ministry of Shipping has been constituted to look into various aspects to increase efficiency on Major Ports. The details of the recommendations made by the committee is enclosed at Annexure−A.

(d): Yes, Madam.

(e): Port-wise details of encroachment of land at major ports is enclosed at Annexure−B.

(f): In order to evict the encroached land, attempts for removal of encroachment are taken through raid and removal operation with police assistance. Matter is also taken up with District Civil Administration for removal of such unauthorized structure/ encroachment on Port Land. Steps are being taken for removal of encroachers from the port land as per provision of Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

ANNEXURE A

RECOMMENDATIONS OF THE AS & FA COMMITTEE ON LAND POLICY GUIDELINES

(i) Under the extant policy, License can be given only for port related activities within the custom bound area, that to only for 11 months, by the Chairman, on the basis of Scale of Rates. The Committee suggested that the short term lease for a period exceeding 11 months can also be given by the Chairman for construction of port related structures such as Conveyors, Silos, Pipelines, temporary transit sheds, bagging & stitching plants and weigh bridges etc. The Committee endorses to allot land within the custom bound area for construction of structures which are not directly port related but aid the port activities and sea trade such as duty free shops, communication centers, parking facilities, passengers facilities such as shopping malls, cyber cafes, health clubs etc. and other security related activities.

(ii) As per the present guidelines, there is no uniformity in guidelines for renewal of licence. The Committee recommends that renewal of licence both within and outside the custom bound area can be made by the Chairman in exigent circumstances. The grant of renewal and short term lease shall be submitted to the Board for post-facto approval.

(iii) As per the present guidelines, lease of land can be made by the Port Trust Board for a period upto 30 years and there is no specific provision for extension. However, renewal of lease within the custom bound area and outside custom bound area could be recommended by the Port Trust Board for sanction by the Central Govt. The Committee has suggested that any extension of long lease as distinguished from short tenements beyond the period of 30 years can be approved by an Empowered Committee chaired by Secretary (Shipping), AS&FA and having representatives of the Departments of Expenditure and Planning Commission, who would satisfy themselves regarding the justification for such extension and the reasonableness of terms etc.

(iv) Renewal of lease beyond 30 years should be considered selectively and only when such renewal is in the interest of the Port. Such renewal would be considered as fresh lease and operated at current rate and should be approved by the Empowered Committee.

Wherever required, allotment of land on nomination basis can also be considered on the recommendations of the Port Trust Boards and approval of the Empowered Committee.

(v) In accordance with the present guidelines, transfer of lease from one party to another, change of purpose of lease, permitting mortgage of lease and allowing way-leave permission are generally granted at the level of Chairman as there is no specific authority specified in the guidelines for these purposes. The Committee recommends that these proposals shall be valuated by a Land Committee in each port consisting of Dy. Chairman of the Port, Representative of Finance, Estate and Traffic departments and submit to the Board with their recommendations for approval.

(vi) Change of purpose of a lease can also be considered by the Board of Trustees on justifiable ground provided such change is consistent with land use policy/Master plan of the Port and should result in continued furtherance of port traffic.

(vii) Permitting mortgage of land lease on long-term basis in favour of the banks/ financial institutions for obtaining loan etc. on a reasonable fee be considered by Govt.

(viii) To allow way-leave permission for laying pipelines from jetties to the tank farms within and outside port area on a temporary basis and it shall neither be on lease basis nor licence basis and abide by various conditions to be specified by the Port apart from paying way-leave charges. The conditions on which way-leave permission is granted shall be clearly stipulated in the Land Policy, after duly vetted by the Law Ministry.

(ix) As per the extant guidelines, there are no specific provision relating to violation of lease agreement. The Committee recommends general provision for violation of the provisions of the lease agreement. If any party violates provisions of Lease Agreement on his own volition or on mis-interpretation, the Port Trust reserves the right to impose penalty on the party commensurate with magnitude of violation or summarily cancel the lease if the violation is a major one, in addition to recovery of opportunity cost that Port Trust may have foregone on account of violation by the Party.

(x) There are certain provisions in the existing guidelines which were felt to be modified by the Committee and accordingly recommended that the existing provision of one time non-refundable premium shall be done away with and such premium not be recovered from the lessee. Similarly, the existing provisions of security deposit of 5 years rent or 25% of the lease of the total rent for the duration of the lease as security, is modified to one years' lease rental only and be recovered from the party and kept with the port trust during the currency of the entire lease period.

(xi) Administrative Reforms have also been suggested to be incorporated in the guidelines by the Committee as under:-

(a) The Port Trust shall also clearly specify the time limits for processing various proposals namely allotment of land, giving mortgage permission and execution of lease deeds, consideration of applications for transfer, change of purpose etc. and such time-lines will be hosted on their website.

(b) The Port Trust shall also computerise the entire land management system into a GIS based system and the details shall be accessible to all.

(c) The collection of lease rentals and various fees related to land shall be done through the authorised bank/banks on on-line basis.

(xii) Wherever a clarity is required in the existing guidelines, the same has been provided by the Committee.

ANNEXURE – B

Port	Details of encroachment
Kolkata	1. Road burms of Taratala Road, Dock Eastern Boundary Road, Transport Deport Road and Garagacha Road by the unauthorized squatters. 2. Some Hutments and squatters settlements in the old Chetla Station Yard. 3. Some scattered encroachment at old magazine depot at Moyapur in South 24 Paragana. At Haldia Dock Complex, there are about 1650 Nos. of unauthorized structures constructed on KoPT land covering an area of about 125 acres of land.
Paradip	There are 5156 Nos of encroachments on 23.50 acres of port land.
Chennai	There are Encroachment by - Annal Indira Gandhi Nagar Residents Welfare Association (2249 Sq. feet)

- Residential House constructed by Shri Thamodhiran
- Amman Temple (1800 sq. ft.)
- Encroachment by the Tirusoolam Villagers (1.25 Acres)

Jawaharlal Nehru The level of encroachment is very small with small Hutments, temporary shed etc.

Mumbai There are encroachment in slum dwellers in 25 pockets on MbPT land where about 15,000 Hutments have come up over the years. The areas under slum admeasure around 7 hectares

Tuticorin Nil

Cochin There are no serious cases of encroachment of land belonging to Cochin Port. Minor instances of encroachment of back water area has been reported from time to time.

New Mangalore Nil.

Mormugao There are instances of encroachment by fisherman along the coast of Vasco-Bay very close to berth No.11 at Kharewava. Similarly Hutments have also come up along Baina Coast mainly by fisher folks along the beach. Besides, above, there are 2 instances of residential houses being erected at Mormugao Harbour, 1 case near football ground Baina and 5 illegal dwelling huts at Bogda

Ennore Around 5.88. Hectares of land has been encroached in S No S 717/1 etc. of vallur village, Ponneri Taluk, Tiruvallur District.

Kandla There are 119 numbers of encroachments in various sectors of Gandhidham Township Land and 8 numbers of encroachments at Kandla Land

Visakhapatnam Nil